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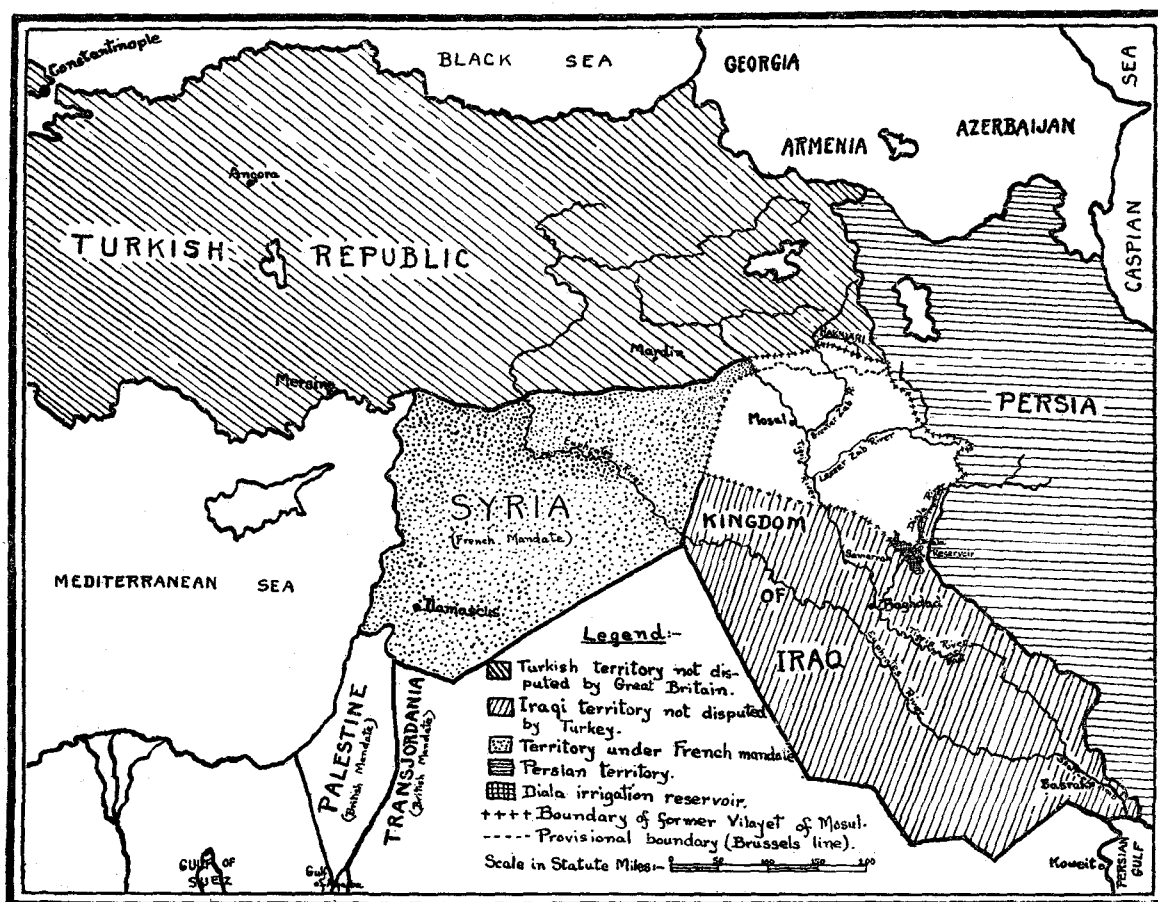
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### THE TURCO-IRAQ BOUNDARY DISPUTE\*



Prepared by the Foreign Policy Association

#### SKETCH MAP ILLUSTRATING IRAQ BOUNDARY DISPUTE

\* This bulletin is a reprint of one of the recent Editorial Information Reports, prepared by the F. P. A. Research Department for use as reference material by newspaper editors and organizations who require the essential fact background of significant international events.

These Reports, in mimeographed form, are sent approximately fortnightly to a selected group of 700 daily newspapers and current periodicals, to all of the larger national organizations, university professors conducting courses in international relations, and a number of special study groups. Rigorously objective, free from bias or opinion, they present without comment the available facts on international questions which are challenging public attention. For the present single numbers, as announced in the NEWS BULLETIN, will be available to F. P. A. members upon request.

## THE TURCO-IRAQ BOUNDARY DISPUTE

The final disposition of the Vilayet of Mosul, whose 35,000 square miles of territory are claimed by both Turkey and Great Britain, is one of the perplexing questions remaining to be settled in the Near East. This Report traces the course of the dispute from its inception up to the present time, covering the factors important to its settlement and stating concisely the British and Turkish positions. A supplementary report, to be published shortly, will deal more particularly with the British occupation of Iraq and the development of Mosul oilfields.\*

### SIGNIFICANCE OF THE CONFLICT

The tension existing between Great Britain and Turkey pending the decision of the League of Nations in the matter of the Iraq boundary is a token of the importance attached by both governments to the outcome of the dispute. To British policy it is essential that the mandated territory of Iraq should have the economic and strategic advantages entailed by the possession of Mosul. Mosul is the granary of Mesopotamia. Its reputed wealth in oil reserves has caused British oil promoters to regard the Vilayet as a prize of special worth. Furthermore, its northern mountain ranges provide what Great Britain believes to be an indispensable bulwark for the last section of the Palestine-Transjordania-Iraq route to India, which it wishes to make invulnerable. With Mosul in Turkish hands the security of the route would be threatened.

In disputing British claims to the Vilayet of Mosul the Turkish Government is attempting to fulfil a solemn pledge entered into in 1920 when the National Pact was adopted by the first Ottoman Nationalist Parliament. Other promises made at that time have already been fulfilled. The Capitulations have been abolished; Cilicia has been recovered. But Mosul still remains in the actual possession of Great Britain. The formal cession of the Vilayet, believed by Turks to be an integral part of their country, would involve a grave loss of prestige to the Turkish Nationalist Party whose popularity has thus far depended in large measure on its phenomenal successes in international negotiations. It is the determination to retain that prestige and to fulfill the promises of 1920 which has actuated the Turkish Government in the dispatching of troops to the neighborhood of the provisional Iraq boundary, and in the unexpected action taken by its representative at recent negotiations in Geneva.

### THE DISPUTE AT LAUSANNE

The controversy first assumed grave proportions at the Lausanne Conference (Nov. 1922-July 1923) when representatives of the Allies and of Turkey met to formulate permanent peace terms. The feeble Constantinople Government had been forced by the Treaty of Sevres (1920) to renounce the Vilayet of Mosul; but that Treaty had from its inception been held invalid by the Nationalists, and at Lausanne their representative vigorously supported the Nationalist demand that the Vilayet of Mosul be reunited with Anatolia.

Protracted discussion and the interchange of a number of notes between Lord Curzon and Ismet Pasha failed to produce a decision at Lausanne. The Treaty merely provided (Art. 3, Sec. 2) that the frontier between Turkey and Iraq should be laid down "in friendly agreement . . . between Turkey and Great Britain within nine months." If direct nego-

\*"British Interests in Mesopotamia", Editorial Information Report No. 4.

tiation failed the dispute was to be referred to the Council of the League of Nations. The Turkish and British Governments reciprocally undertook that pending the decision to be reached on the subject of the frontier no military or other movement would take place which might modify in any way the present state of the territories involved in the controversy.

### THE CONTROVERSY REFERRED TO THE LEAGUE

At the Constantinople Conference (May 19-June 9, 1924) direct negotiation failed and after July 5 the dispute went before the League. In September the Council of the League appointed a Boundary Commission to investigate and report. The Commission was composed of three members, a Hungarian, a Belgian and a Swede, representing respectively a country associated with Turkey during the war, a country associated with Great Britain, and a country which had remained neutral. At its Brussels meeting (Oct. 29, 1924) the Council of the League found it necessary also to define arbitrarily a provisional boundary which the disputants promised to respect pending the Council's final decision. This provisional boundary is the one commonly known as the "Brussels line."

### REPORT OF THE BOUNDARY COMMISSION

The Boundary Commission, after an extensive survey on the spot (Jan. 16-Mar. 18, 1925), reported to the League Council on July 16th that:

- (1) It would recommend that the whole territory south of the "Brussels line" be united with Iraq on the double condition that it remain under the effective mandate of the League for approximately 25 years and that a specified degree of autonomy be given the Kurds.
- (2) The non-fulfilment of these conditions would make it preferable to award the territory to Turkey, whose internal conditions and external political situation were incomparably more stable than those of Iraq.
- (3) A possible solution was the partitioning of the Vilayet so as to give Turkey two thirds of the disputed territory, the boundary following approximately the course of the Lesser Zab.

The divergent character of the three recommendations reflects the intricacies of the problem awaiting solution. Legal considerations conflicted with economic necessity; religious and historical frontiers did not correspond with natural frontiers, and no reasonable racial frontier could be suggested. The findings on which these recommendations were based appear in the body of the Commission's detailed report.

On September 3 and 4, 1925, the Council of the League met to consider the report and to hear the comments of the British and Turkish representatives. For the purpose of arriving at a settlement of the boundary dispute the Turkish delegate had been given a temporary seat in the Council on terms of equality with permanent members of the Council.

### THE FIRST RECOMMENDATION

Great Britain, appearing as the protector of the new national Arab state of Iraq, had affirmed that the disputed territory was strategically

and economically indispensable to the latter. The Anglo-Iraq Treaty had been ratified at Baghdad only on condition that Great Britain protect the right of Iraq to the Vilayet of Mosul in its entirety. Therefore, in spite of a general outcry in the British press against prolongation of the Iraq mandate, Lieut.-Col. Amery, the British delegate, announced at Geneva that his Government agreed to comply with the two conditions specified in the Commission's first recommendation. He added that the Iraq Chamber of Deputies on behalf of the Kingdom of Iraq had just signified its desire "to continue in alliance with Great Britain after the expiry of the present Treaty."

The Turkish view of the British position had been expressed at Lausanne by Ismet Pasha when he said, "One can show the real nature of the devotion of the Arabs to Great Britain by recalling events in Iraq during 1920 and 1921, the great military effort made by England with a view to suppressing by force of arms the Arabs' aspirations to independence and their constant desire to see the end of a regime which, by whatever name it may be called, is none the less a mere colonization."

The Turkish Government felt that especially in the Mosul Vilayet a British mandate was unjustifiable. An extraordinary principle was invoked in the proposal, unsupported by any overwhelming popular demand, to attach the contested territory to the alien country of Iraq merely because a highly developed nation like Great Britain happened to be ready to conduct the administration during the long period necessary for assimilation.

The impression was created that the first recommendation was being tacitly opposed by Turkey on account also of the menace involved in the development of an autonomous Kurdistan which might conceivably become in time an independent national state and attract to itself the large Kurdish populations of eastern and southeastern Turkey.

#### THE SECOND RECOMMENDATION

The report of the Commission had affirmed that since sovereignty over Mosul was never legally renounced this territory was still technically Turkish, as it had been since 1534 A.D. Great Britain replied that the Turkish promise to abide by the decision of the League was tantamount to a cession of all territory south of the boundary to be chosen by the Council. Tewfik Bey, the Turkish delegate at Geneva, indicated that the judgment of the Commission coincided with that of the Turkish Government; but he based his appeal for adoption of the second recommendation chiefly on other facts of a non-technical nature.

#### THE THIRD RECOMMENDATION

Both parties to the dispute agreed with the Commission that grave disadvantages would attend the partitioning of the Vilayet along the line of the Lesser Zab River. The discussion therefore centered about Recommendations 1 and 2. It covered a variety of arguments of which only the more important can be mentioned in this Report.

#### FACTORS INVOLVED IN SETTLEMENT

##### (1) Strategical Considerations

Lieut.-Col. Amery insisted, before the League Council, that it



was fundamentally necessary for the northern boundary of Iraq to be strategically secure. The best strategic frontier was to be found north of the provisional boundary. It consisted of an almost unbroken range of Alpine crests wholly insurmountable in winter and only traversable in summer by a few difficult passes. The frontier desired by Turkey and the compromise line suggested by the Commission were both strategically unsatisfactory; either one would impose upon Iraq an intolerable burden of defence.

Tewfik Bey, on the other hand, was of opinion that in view of the progressive ambitions of Great Britain, Turkey's security was being menaced to a much greater extent than that of Iraq. There had been a time, he pointed out, when the British Foreign Office described Iraq as consisting of the Vilayets of Baghdad and Basrah. But by successive stages—the Sykes-Picot Treaty, the Armistice negotiations, the Treaty of Sevres, the Lausanne Conference, and the Constantinople Conference—the meaning of the term had been gradually amplified until now Great Britain used it to describe not only the three Vilayets of Mosul, Baghdad and Basrah, but part of the northern Vilayet of Hakkari as well. The true solution of the security problem would be found in the adoption of the Commission's second proposal supplemented by a four-power security pact guaranteeing the integrity of the states on either side of the boundary.

## (2) Racial Considerations

The Commission had reported the disputed territory to be inhabited by Kurds, Arabs, Christians, Turks, Yezidis and Jews, in that order of numerical importance, the Kurds greatly predominating, in a population estimated to total about 800,000. The confusion of races was so great that in fixing the frontier purely ethnic considerations could not be taken into account. Wherever the boundary were fixed there would remain irredentist populations who would have to be allowed to declare for the nationality of the neighboring state.

The Commission, in spite of the persistent Turkish demand for a plebiscite, decided not to institute one in the Vilayet. Instead it ascertained the views of representative persons in each district by means of private interviews. It felt that opportunities for propaganda were too great, fear of reprisals too widespread and the power of chiefs over their tribesmen too complete to permit the holding of a plebiscite even under the auspices of a neutral administration supported by a strong neutral police force.

The Commission reported that subject to certain reservations the fact seemed to be established that, taking the territory as a whole, the desires expressed by the population were more in favor of Iraq than of Turkey. The attitude of the people had been influenced, however, by the desire for effective support under the mandate, and by economic considerations, rather than by any feeling of solidarity with the Arab kingdom. If these two factors had carried no weight with the persons consulted it was probable that the majority of them would have preferred to return to Turkey rather than to be attached to Iraq.

Turkey protested that a plebiscite should have been held. It was contended that the great majority of the inhabitants belonged to races represented in Turkey rather than in Iraq. For example, the Kurds, who, according to British statistics, formed 62% of the population of Mosul

Vilayet, were represented in Turkey by 1,500,000 persons, whereas in Iraq proper there was only an insignificant number. It was repeatedly affirmed that a plebiscite, if fairly conducted, would have shown the majority of the population to be indisputably in favor of union with Turkey.

The British reply emphasized the finding of the Commission that on the whole popular sentiment was favorable to Iraq rather than to Turkey. To be sure, this sentiment was somewhat tepid. But the Commission had also stated that the Turks were mistaken in their assertions that the majority of the people of the Vilayet of Mosul were indisputably anxious to return to Turkey. The very lack of an overwhelming popular sentiment in favor of either Turkey or Iraq made it apparent that the necessities imposed by the geographical and economic situation of Mosul must be given precedence over purely ethnic considerations.

### (3) Economic Considerations

The Commission reported that from a purely economic viewpoint the "Brussels line" would constitute the best frontier since the major part of the trade south of that line was carried on with Baghdad, very little of it being with Turkey. But should non-economic considerations be given precedence and Mosul be awarded to Turkey, Iraq must not in any case be deprived of the Diala region, on the possession of which depended the solution of its irrigation problems. Finally, if the compromise line were adopted it should be drawn so as to leave to the south of it important towns on the Lesser Zab River which were dependent on Baghdad for their economic welfare.

Turkey protested that regional agreements across an international boundary could be made an efficient safeguard of economic welfare. Hence the awarding of Mosul to Turkey would not necessitate the severing of commercial ties between Mosul and Baghdad. Moreover, the possibility of constructing railway lines from Mosul to the Black Sea and the Mediterranean gave the region prospects of a northward trade more profitable even than that offered by Baghdad.

Great Britain emphasized the fact that Iraq's richest grain districts were in Mosul. A substantial part of the revenues came from the Vilayet, as well as some of its best army recruits. To deprive Iraq of this rich territory and then to leave it in a weakened state with a strategically indefensible frontier would be to impose a task beyond the capacity of Iraq to fulfill. The British people could not be expected under these circumstances to hold themselves responsible for its welfare.

### (4) Religious Considerations

Tewfik Bey raised the question of the religious affiliations of the Mosul population, contending that the Vilayet should be awarded to Turkey in order that the Sunnites of Mosul might be associated with their fellow-sectarians in Anatolia rather than with the Shiites of Baghdad and Basrah who had received their creed from Persia. To try to reconcile the political views of the Mosul Sunni with those of the southern Shiah would be to court difficulties fatal for the life of Iraq.

Lieut.-Col. Amery replied that there existed a considerable inter-penetration of Sunni and Shiah populations in Iraq and that already the Moslem sects were co-operating in the government of Iraq, the King being

a Sunnite and his Cabinet Ministers both Sunnite and Shiite. A much greater religious difficulty would arise were the Christians in the northern part of the Mosul Vilayet to be handed back to Turkish control. If the Vilayet of Mosul were awarded to Turkey there would be an immediate southward flight of panic-stricken Christians. Furthermore, it was to secure permanent safety for the Assyrian Christians in their ancestral home that Great Britain had requested that a small part of the Vilayet of Hakkari be included in the territory awarded to Iraq.

#### THE IMPASSE AT GENEVA

During September there became apparent a radical divergence of views as to (a) the jurisdiction of the Council and (b) the procedure appropriate to its deliberations. For this reason the Council decided on September 19, 1925, to ask the Permanent Court of International Justice for a ruling:

- (1) as to the character its decision should take (whether an arbitral award, recommendation or simple mediation);
- (2) as to the method of arriving at its decision (whether by unanimity or by a majority vote and whether with or without the participation of the disputants).

Tewfik Bey interpreted Article 3 of the Treaty of Lausanne as giving the Council a mediatorial rather than an arbitral function. The words "the dispute shall be referred to the Council of the League of Nations" showed clearly, he thought, that the two parties finally agreed to resort to the good offices of the Council and not to a decision given by the Council without their consent. Moreover, he held that Turkey had a right to vote when the Council made its decision. He quoted the words of Lord Curzon at Lausanne: "Article 5 of the Covenant provides that the decision of the Council, upon which the Turkish Government will be represented, will have to be unanimous, so that no decision can be arrived at without its consent." It was on this understanding that Turkey had accepted Article 3 of the Treaty of Lausanne.

Tewfik Bey accordingly protested against the reference of these points to the Permanent Court. His protest was accompanied by a warning to the Council that in any case no cession of Turkish territory could be valid until confirmed by the National Assembly at Angora.

Lieut.-Col. Amery held that the forthcoming decision of the Council must take the form of an arbitral award to be accepted unreservedly by both Great Britain and Turkey, neither of whom would participate in the final vote. He based this opinion on statements made by Lord Parmoor, M. Branting and Fethi Bey at former Council meetings. M. Branting, for example, acting in the capacity of Rapporteur, had made the following official statement on September 30, 1924:

"I then reminded him (Fethi Bey) that the British Government had declared that they accepted in advance the Council's decision . . . . I asked H. E. Fethi Bey if he could, on behalf of his Government now give an undertaking to accept the Council's recommendation. H. E. Fethi Bey replied that on this point there was no disagreement between his Government and the British Government."

Lieut.-Col. Amery warned the Council that, in spite of its undertaking to regard the Council decision as an arbitral award, Great Britain would be bound by that award only to the same extent as Turkey was bound by it.

#### INTRANSIGENCE OF BOTH PARTIES

What action Turkey would take in case of an adverse boundary decision was foreshadowed by Tewfik Bey on September 4, 1925. On that day he stated that Turkey had promised to accept the Council's decision only on condition that it came within the treaties already existing between Turkey and Great Britain and took account of the desires of the people in the disputed territory. The first recommendation of the Commission fulfilled neither of these conditions. No plebiscite had been held; existing treaties contained no recognition of the mandatory principle. A decision based on the Commission's first recommendation, then, could not be binding upon Turkey. This unexpected interpretation of Turkey's former promise to regard the Council's decision as binding was evidently the result of a fear that an adverse decision was foreordained.

But the Turks were not alone in their intransigent attitude. The British delegate expressly reiterated his warning to the effect that Great Britain could no longer be held responsible for the welfare of Iraq if it were to be shorn of the Vilayet of Mosul. Tension was heightened by the rumors of war featured in the British and Turkish press, and by the mutual accusations of bad faith and violence indulged in by the British and Turkish delegations at Geneva. Turkey lodged a series of formal protests against:

- (1) Alleged violations of the provisional boundary by British aeroplanes and Iraqi raiding parties.
- (2) British naval manoeuvres in Turkish territorial waters, timed so as to coincide with the Geneva discussions on the subject of the Iraq frontier.
- (3) British reprisals against Iraqis who had given evidence in favor of Turkey at the Boundary Commission hearings.

Great Britain in turn charged the Turkish authorities with having permitted or instigated:

- (1) Violations of the provisional boundary by Turkish troops who were occupying villages south of the "Brussels line."
- (2) Systematic forcible deportation of Christian populations both north and south of the provisional boundary.

These successive charges and the explanations elicited by them served gradually to intensify the existing strain until on September 24 the Council of the League decided to dispatch representatives to investigate on the spot the charges made by the Turkish and British Governments and to report immediately any similar occurrences in the future. The atmosphere had not cleared when Lieut.-Col. Amery and Tewfik Bey left Geneva, the former to face the criticism of a hostile press which decries overseas expenditure, the latter to be welcomed by a press which appears to be almost unanimous in its support of the Turkish nationalist principle.